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| 10/643,284 | 08/18/2003 | Chandrasekhar Narayanaswami | YOR920030212US1 | 8157 |

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| EXAMINER |
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SHAH, AMEE A

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| ART UNIT | PAPER NUMBER |
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3625

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06/25/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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|------------------------------|--------------------------------------|--|--|
| Office Action Summary | Application No. 10/643,284 | Applicant(s) NARAYANASWAMI, CHANDRASEKHAR | |
| | Examiner Amees A. Shah | Art Unit 3625 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 May 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3-7, 10-14 and 16-20 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 3-7, 10-14 and 16-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claims 3-7, 10-14 and 16-20 are pending in this action.

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on May 2, 2007, has been entered.

Response to Amendment

Applicant's Amendment, filed May 2, 2007, has been entered. Claims 3, 4, 10, 11, 16 and 17 have been amended. Claims 3-7, 10-14 and 16-20 remain pending. In view of the amended claims, the 35 U.S.C. §112 rejections are withdrawn.

Examiner Note

Examiner cites particular pages, columns, paragraphs and/or line numbers in the references as applied to the claims below for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested that, in preparing responses, the applicant fully consider the references in

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entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Claim Rejections - 35 U.S.C. § 103

The following is a quotation of 35 U.S.C. §103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3, 6-8, 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sundaresan, US 7,099,833 B1 (hereafter referred to as “Sundaresan”) in view of Cansler et al., US 6,725,257 B1 (hereafter referred to as “Cansler”) and further is view of Reuhl et al., US 5,873,069 (hereafter referred to as “Reuhl”).

Referring to claim 3. Sundaresan teaches a method on a web site for pricing a product and/or service, the method comprising:

- receiving an order for a product and/or service for sale on a first web site (col. 3, lines 27-30 – note the order is the inquiry and the first web site is “CompShop”);
- reading at least one competitor’s pricing information collected from at least a second web site for each of the configurations (col. 3, lines 31-67 – note that CompShop reads prices from a plurality of stores and an “eStore” is capable of reading competitor’s prices by collecting information from CompShop);

- before presenting a selling price to a buyer using the first website, calculating the selling price for each of the configurations of the product and/or service based on the competitor's price (col. 4, lines 1-12) such that in response to the competitor's price being lower than the lowest profitable price at the first web site, setting the selling price at the lowest profitable price (col. 4, lines 7-11); and
- presenting each of the configurations of the product and/or service which has been ordered for the selling price which has been calculated based on the competitor's price (col. 4, lines 13-17).

Sundaresan does not explicitly disclose wherein the product and/or service is available for purchase in a plurality of configurations. However, a product available for purchase is a plurality of configurations is similar to a plurality of products. For example, Cansler, in the same field of endeavor and/or pertaining to the same issue, discloses a method and system for configuring products wherein the product is available for purchase in a plurality of configurations (*see, at least*, Abstract). Once a configuration for a product is chosen, it is essentially a specific or customized product. Therefore, selecting, receiving and calculating prices for a plurality of products is equivalent to selecting, reading and calculating prices for a plurality of configurations.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to have modified the method of Sundaresan to include the teachings of Cansler to allow for the product and/or service to be available in a plurality of configurations to determine and calculate the price of the product in the desired configuration. One of ordinary skill in the art

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would have been motivated to do so based on the knowledge generally available to one of ordinary skill in the art that doing so would provide the user with the opportunity to customize the product exactly to his/her needs, thereby increasing customer satisfaction and the likelihood of a sale.

Sundaresan teaches calculating a selling price before presenting to the buyer with the calculation being based on whether the competitor's price is lower, and if so, determining whether the eStore can offer a lower prices based on its own cost and profit margin (col. 4, lines 1-6), but does not explicitly teach in response to competitor's price being higher than a highest price that a market will bear, set the selling price to the highest price that the market will bear and in response to the competitor's price being; i) lower than the highest price that the market will bear and ii) higher than a lowest profitable price at the first web site, set the selling price at the competitor's price.

However, Reuhl in the same field of endeavor and/or pertaining to the same issue, teaches a method and system for updating and displaying retail prices, including wherein the prices are calculated based on competitors' prices and price factors such that in response to competitor's price being higher than a highest price that a market will bear, set the selling price to the highest price that the market will bear and in response to the competitor's price being; i) lower than the highest price that the market will bear and ii) higher than a lowest profitable price at the first web site, set the selling price at the competitor's price (col. 11, lines 34-43 and line 64 through col. 12, line 27 – note the highest price the market will bear is the active user price

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determined by whether the competitors' prices are lower and the lowest profitable price is the active user price determined by the profit margin of the product).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to have modified the system of Stack in view of Cansler et al. to include the teachings of Reuhl to allow for the calculating of a selling price in response to competitor's price being higher than a highest price that a market will bear, set the selling price to the highest price that the market will bear and in response to the competitor's price being; i) lower than the highest price that the market will bear and ii) higher than a lowest profitable price at the first web site, set the selling price at the competitor's price. One of ordinary skill in the art would have been motivated to do so based on the suggestion of Reuhl that doing so would allow the vendor to better manage its prices to keep pace with competitors by providing customers products at comparable prices, and still be able to maintain a profit or abide by company policy (col. 1, lines 22-27 and line 62 through col. 2, line 3).

Referring to claim 6. Sundaresan in view of Cansler further in view of Reuhl further teaches the method of claim 3 wherein the product and/or service having a plurality of configurations is any one of: furniture, a computer, a car, and a boat (Cansler, col. 1, lines 22-24, col. 3, lines 32-34 and col. 9, lines 30-33 – note the definition of vehicle inherently includes cars and boats). One of ordinary skill in the art would have been motivated to do so based on the knowledge generally available to one of ordinary skill in the art that doing so would provide the user with the opportunity to customize products that typically have many configurations to his/her needs, thereby increasing customer satisfaction and the likelihood of a sale.

Referring to claim 7. Sundaresan in view of Cansler further in view of Reuhl further teaches the method of claim 6 wherein each of the first web site and the second web site are an e-commerce web site (Ehrlich, Figs. 1, 2 and ¶¶0058-0073).

Referring to claims 10, 13, 14, 16, 19 and 20. All of the limitations in apparatus claims 10, 13, 14, 16, 19 and 20 are closely parallel to the limitations of method claims 3, 6 and 7, analyzed above and are rejected on the same bases.

Claims 4, 5, 11, 12, 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sundaresan/Cansler/Reuhl, as applied to claims 3, 10 and 16, and further in view of Maritzen et al., US 2002/0052797 A1 (hereafter referred to as “Maritzen”).

Referring to claim 4. Sundaresan in view of Cansler in view of Reuhl teaches the method of claim 3 as discussed above, but does not disclose wherein the at least one price factor further includes information associated with a buyer of the product and/or service on the first web site. Maritzen in the same field of endeavor of electronic shopping, discloses a method and system for customizing prices of a product or service including wherein the customization is based on a price factor that includes information associated with a buyer of the product and/or service on the first web site (¶0010 – note the information can be historical purchase activity or group to which user is a member).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to have modified the method of Sundaresan/Cansler/Reuhl to include the teachings of Maritzen to allow for price factor to include information associated with a buyer of the product and/or service on the first web site. One of ordinary skill in the art would have been motivated to do so based on the suggestion taught by Maritzen that doing so would allow for the price to be set in a way that is likely to induce the customer to buy (Maritzen, ¶0009).

Referring to claim 5. Sundaresan/Cansler/Reuhl/Maritzen further teaches the method of claim 4 wherein the information associated with the buyer of the product and/or service on the first web site includes any one of: the volume of the product and/or service that is being purchased by the buyer; the number of orders previously placed by the buyer on the first web site; the type of equipment owned by the buyer; and the classification of the buyer (Maritzen, ¶¶0010 and 0039 – note the volume of product and number of orders included in purchase history, and is also the quantity of product to be purchased and the classification of buyer is the group membership). One of ordinary skill in the art would have been motivated to do so based on the suggestion taught by Maritzen that doing so would allow for the price to be set in a way that is likely to induce the customer to buy (Maritzen, ¶0009).

Referring to claims 11, 12, 17 and 18. All of the limitations in apparatus claims 11, 12, 17 and 18 are closely parallel to the limitations of method claims 4 and 5, analyzed above and are rejected on the same bases.

Response to Arguments

Applicant's arguments with respect to claims 3-7, 10-14 and 16-20 have been considered but are moot in view of the new ground(s) of rejection necessitated by the amendments.

Conclusion

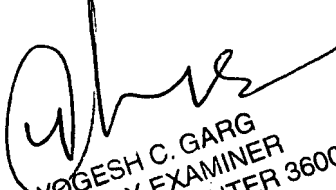
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ameer A. Shah whose telephone number is 571-272-8116. The examiner can normally be reached on Mon.-Fri. 7:00 am - 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogesh C. Garg can be reached on 571-272-6756. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AAS

June 14, 2007


YOGESH C. GARG
PRIMARY EXAMINER
TECHNOLOGY CENTER 3600